

**Honorable Members: Inasmuch as I am unable to appear in person in Hartford to testify in person due to my recent open heart surgery in Florida, I am sending you this email and attachments in the earnest hope that you will consider my request that you overturn the erroneous decision of CT Claims Commissioner J. Paul Vance and award me whatever sum you deem appropriate for the wrong death of my son, former inmate Michael S. Jay. His 8<sup>th</sup> Amendment rights to have medical treatment while imprisoned by the CT Dept. of Corrections were violated by the State. He also was wrongfully denied treatment by the Dept. of Social Services during the last 15 days of his life post release. Had he been treated he likely would not have died.**

**Sincerely,**

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**From:** Walton Jay [<mailto:wwjay1@sbcglobal.net>]

**Sent:** Wednesday, December 03, 2014 2:59 PM

**To:** 'JUDTestimony@cga.ct.gov'

**Cc:** 'jpaul.vancejr@ct.gov'; 'attorney.general@ct.gov'; 'ONeill, Terrence M.'

**Subject:** FW: Estate of Michael S. Jay v DOC and DSS Claim Nos. 22978 & 22979; Hearing Before 2015 General Assembly Judiciary Committee

**Honorable Members of the Connecticut Senate & General Assembly Joint Committee on the Judiciary:**

**I am sending you this email at this time because I am scheduled to have open heart surgery for triple bypasses here in Florida next Tuesday, December 9<sup>th</sup>. While I am told that my chances for survival and eventual full recovery are excellent, 95 out of 100, the recovery period can be quite lengthy, and among the many restrictions lasting for as long as three (3) months are**

**prohibitions against my flying and even driving for lengthy distances [where my legs would be immobile].**

**I am still licensed to practice law in CT and represented the estate of my late son before the Claims Commission in making claims versus both the Department of Corrections and the Department of Social Services for, inter alia, his wrongful death due to the lack of adequate medical care while he was incarcerated at both Corrigan and Osborn Correctional Institutions, and for his maltreatment in other respects while incarcerated. I also alleged that he was wrongly denied medical treatment after his release by DSS. In addition, his Adult Probation Officer, Rey Santiago, was grossly negligent in failing to detect during Mike's two urine tests for drugs that he was heavily abusing alcohol. Mike died of alcohol intoxication, which could have been prevented had DOC not broken its promise to me that Mike would be sent to a halfway house from Osborn CCI rather than released to a so-called "sponsor" who broke his promises to me and the State that he would be home every night to monitor Mike. DOC also broke its promise to me of three days' advance notice of Mike's release so that I could drive up from Florida and be with him until I was assured he was not a danger to himself.**

**Commissioner Vance assured me by letter notifying me of the procedures of CGS Section 4-159 that I would have the right to testify before your Committee before it makes a decision to uphold, confirm, or modify his decision. Assuming that I survive the OHS procedure, I nevertheless will be unable to appear in person before your committee. I wish to submit hereby several statements urging you to overturn Commissioner Vance's erroneous decision. He ignored the facts that I adduced in evidence, most of which were records from DOC and DSS that I obtained via FOIA at a cost of twenty-five cents per page. I then paid that amount all over again to retrieve these very same copies from CCC in order to submit them to your committee. After I return home from the hospital, and possibly a nursing home (because I live alone and cannot care for myself—I spent two**

**weeks in one in Groton after my 9-8-10 full knee replacement), I can sort through those records and ask friends to copy the most pertinent ones that I mark with postit's.**

**The Legal Memorandum that I submitted to the CCC, borrowed liberally from an ACLU paper on prisoners' legal rights to have medications while incarcerated demonstrated clearly that the law of the Second Circuit, of which Connecticut is a part, states that it is a violation of a prisoner's 8<sup>th</sup> Amendment Rights against cruel and unusual punishment to be denied his or her necessary medications that he or she was lawfully prescribed before imprisonment. My son Michael, in the year prior to his incarceration, had cancer surgery, half of his left kidney was removed (by a Medicaid surgeon contracted by DSS), and his right hip was replaced, also by a surgeon contracted by DSS. These surgeons, and Mike's PCP, Helar Campos, a DSS Medicaid provider, wrote Michael numerous prescriptions for narcotic painkillers and anti psychotic drugs, the latter to deal with his mental health problems. He was also diagnosed as an alcoholic, although he chose to deny that fact at intake at Corrigan on 6-10-10. Nevertheless, DOC recorded him as such, and treated him as one. Hence, he should have also been treated as one upon release, and he should have been sent to the halfway house that his release counselors, William Murphy and Lauren Miller promised me via telephone and email that he would be going to. Mike was diagnosed with glaucoma while in prison and given RX eye drops while incarcerated, but none upon release. When my lady friend drove him to the Norwich office of DSS for re-enrollment and immediate treatment for his ongoing serious illnesses (diverticulitis, ulcerative colitis, blocked heart vessels, alcoholism—all revealed by CME Carver's autopsy), he was sent away due to his inability to produce his Social Security card notwithstanding the facts (1) that this office had been seeing him since his January 2000 Jeep rollover when he was first treated for his broken hip, pelvis and scapula; and (2) his having the photo ID sheet from DOC with a photo that closely matched his most recent Medicaid file photo.**

**For all of these reason, I respectfully request that this Judiciary Committee overturn Commissioner Vance's erroneous decision and either award the estate of Michael S. Jay an amount in excess of \$7,500 [direct the Comptroller to make such a payment] or authorize me to file suit versus the State of Connecticut in Superior Court, preferably in New London where I stay for the summer when I am recovered.**

**Sincerely yours,**

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**From:** Walton Jay [<mailto:wwjay1@sbcglobal.net>]

**Sent:** Tuesday, September 23, 2014 3:52 PM

**To:** 'jpaul.vancejr@ct.gov'; 'O'Neill, Terrence M.'; 'attorney.general@ct.gov'; 'James.Dzurenda@ct.gov'; 'Roderick.Bremby@ct.gov'; 'csao@ct.gov'; 'civlrights@aol.com'

**Cc:** 'Carol.Chapdelaine@po.state.ct.us'; 'william.murphy@po.state.state.us'; 'lauren.miller@po.state.ct.us'; 'rey.santiago@jud.ct.gov'; 'rey.santiago@ct.gov'; 'scott.erfe@po.state.ct.us'; 'liberty\_law\_firm@sbcglobal.net'

**Subject:** Estate of Michael S. Jay v DOC and DSS Claim Nos. 22978 & 22979; Hearing Before 2015 General Assembly Judiciary Committee

**Commissioner Vance:**

**This acknowledges receipt of your letter dated September 3, 2014, advising the undersigned of his right under CGS Section 4-159 to have your denial of the above captioned and enumerated claims versus the Departments of Corrections and Social Services for the wrongful death of Inmate Michael S. Jay, # 357990, be heard during the 2015 session of the Connecticut General Assembly's Judiciary Committee.**

**Apparently I will be permitted to testify in person at a time to be advised by that committee should I contact them by telephone after they have convened. While I do not look forward to leaving sunny Florida during January for such purpose, I will do so in order to make known to the Legislature and to the public the travesty of how my son was mis- and maltreated during his period of incarceration at both Corrigan and Osborn Correctional Institutions.**

**From the beginning, my primary purpose has not been to secure pecuniary compensation for myself or Michael's two children, but, rather, to call attention to how alcoholic and/or drug addicted prisoners do not receive treatment for these conditions while incarcerated—which causes many, according to CME Carver, to die of overdoses within weeks of their releases. In Michael's case, he suffered from additional severe medical conditional at the time of his imprisonment; namely, a badly damaged right hip that had just been replaced on Labor Day 2009, and potentially metastatic kidney cancer, i.e. half of his left kidney had been removed in May 2009. Lastly, he was diagnosed with glaucoma several months after his incarceration and was administered prescription eye drops for this painful condition. However, when he was released, DOC did not furnish him any drops, and DSS refused to re-admit him to Medicaid despite the undersigned's repeated requests that a seamless transition be made. Hence, because he was in excruciating pain without access to his previous prescription medications, he self medicated with alcohol, to a fatal degree, for which I have contended the State was and is responsible.**

**In addition, I made several other claims at the hearing which Commissioner Vance's decision totally failed to address. I claimed that Warden Chapdelaine repeatedly verbally abused Inmate Jay both at his cell and in her office. She took out her frustration over my repeated requests via email, phone calls and letters to her and counselors Murphy and Miller, and to Warden Erfe and Counselors at Corrigan CCI, to Commissioners of DOC and DSS and to Governor Malloy, and to CSAO Kevin Kane that**

**Michael receive medical attention including access to the prescription drugs that he received via Medicaid. Warden Chapdelaine also had Michael awakened at 0200 on November 3, 2011, and transported to New London, Connecticut, and dropped at 0400 outside the Adult Probation Office. He was ordered to remain on a park bench in his prison clothes, without a coat or jacket, holding his meager personal belonging in a brown paper grocery sack until the APO opened.**

**At the 8-22-13 hearing, AAG O'Neill introduced a falsified document showing that Inmate Jay was awakened at 0700 at Osborn and dropped at the Norwich APO at 0800. After the hearing concluded, the undersigned kept pursuing this matter and obtained from the Pardons and Parole Board in Hartford a conflicting document which he furnished to both the CCC and AGO that purported to show that Inmate Jay had been delivered to the APO in New London after all. One or both of these documents is an obvious forgery! I contend that they both are. Mike told Ms. Carey, my lady friend who drove him around New London and Groton before he died, Mr. McAllister, his state-approved "sponsor, Mr. Pierce, the New London tattooist whom APO Santiago allowed Mike to visit at 1000 11-3-11 to obtain a coat and place to stay that night because McAllister was out of town, and several other friends that he had indeed been dropped on the park bench at 0400.**

**These acts by Warden Chapdelaine were intentional torts for which both she and DOC are financially liable to Michael's estate. They are separate and distinct from the wrongful death claims. Commissioner Vance utterly failed to render his decision on them. Therefore, he should be required to go back and make his decision on them before they can be considered to be finally adjudicated. In addition, Commissioner Vance did not advert to, nor specifically render his decision on my claims that the State of Connecticut's denial of access to prescription drugs to inmate who were lawfully prescribed them by their doctors at the time of their arrests violates their 8<sup>th</sup> Amendment rights as extended to the states under the 14<sup>th</sup> Amendment. I filed in my Pre Hearing Memorandum a lengthy excerpt from the ACLU's paper on this**

**exact subject. It stated unequivocally that this was the settled law of the Second Circuit, of which Connecticut is a part. In its footnotes it cited several cases, including at least one which had arisen in CT. Therefore, he again, separate and apart from our wrongful death claims, Mike had claims for being wrongly denied access to his prescription opiate pain killers and to his anti psychotic medications.**

**In addition, Commissioner Vance purposely seems to have ignored the medical records which I submitted from his Medicaid doctor, Helar E. Campos of Norwich and New London, wherein Dr. Campos had examined Michael earlier on the very day of his arrest for burglary which resulted in his immediate incarceration for violation of the terms of his appeal bond, and ordered a colonoscopy be performed at Windham Hospital in Willimantic on June 28,, 2010. I found in Mike's car on June 11, 2010 the prescription drug used to induce diarrhea and the gallon jug in which the drug and water were to be combined. Mike had already filled the RX in anticipation of his colonoscopy. His prison medical records reflect that he continued to have bloody watery stools for the entire 18 month period of his incarceration. This demonstrates that he was NOT treated at all for this abdominal condition. Dr. Carver's autopsy revealed that Michael suffered from both ulcerative colitis and diverticulitis. Yet, Commissioner Vance's decision found that DOC's medical treatment of Inmate Jay was unexceptional. This, too, was in error, and was and is a claim separate and distinct from the wrongful death claim for which the estate should recover substantial financial damages.**

**I respectfully request that the Claims Commission and/or the Attorney's General's Office retrieve from their respective files and mail to me at their earliest conveniences the large files which I amassed and presented at the CCC hearing on August 22, 2013. In particular, I would like to have back the autopsy report prepared by then Chief Medical Examiner Wayne Carver and ALL of Michael S. Jay's medical records, both those relating to his medical care while in DOC custody and those relating to the care he received from his Medicaid doctors who were under contract**

**to DSS. Also, his prescription receipts that demonstrate that he was taking lawfully prescribed opiate painkiller and anti-psychotic drugs for mental conditions at the time he violated the terms of his appeal bond and was immediately incarcerated.**

**I will make as many copies as are necessary to supply each member of the Judiciary Committee and ten (10) members of the press for the hearing in January 2015. Thanking you and the AGO in advance for your cooperation, I remain,**

**Sincerely yours,**

*W. Walton Jay*

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**From:** Walton Jay [<mailto:wwjay1@sbcglobal.net>]  
**Sent:** Friday, August 29, 2014 2:48 PM  
**To:** 'jpaul.vancejr@ct.gov'; 'James.Dzurenda@ct.gov'; 'Roderick.Bremby@ct.gov'  
**Cc:** 'Dupont, Tara'; 'scott.erfe@po.state.ct.us'; 'Carol.Chapdelaine@po.state.ct.us'  
**Subject:** FW: Estate of Michael S. Jay v DOC and DSS Claim Nos. 22978 & 22979

**Just in case the USPS did not deliver my letter to the CCC, please be advised, I have changed my mind and want the 2015 session of the General Assembly to review your absolutely illegal decision.**

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**From:** Walton Jay [<mailto:wwjay1@sbcglobal.net>]  
**Sent:** Thursday, August 28, 2014 9:09 AM  
**To:** 'attorney.general@ct.gov'; 'ONeill, Terrence M.'  
**Subject:** Estate of Michael S. Jay v DOC and DSS Claim Nos. 22978 & 22979

Attorney General Jepsen  
AAG O'Neill

The decision by Commissioner Vance in the above captioned claims was so ludicrous and unsubstantiated by fact and so contrary to the law established the Second Circuit regarding prisoners' rights to have continued access to legally prescribed medications they were receiving prior to their incarceration that I feel impelled to seek review of his clearly erroneous decision by the 2015 session of the Connecticut General Assembly. Attached hereto is a copy of my letter to the Commission within 20 days of my receipt of its decision.

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